

An Open Letter to the Residents of Ottawa

Why Council Acted to Restore Confidence in the Ottawa Police Services Board

On DATE, what was expected to be a short-lived and peaceful protest led by numerous groups of truckers started to arrive in Ottawa. Once it became clear that the convoy protests had morphed into a more permanent occupation of areas of the downtown core and the parliamentary precinct, municipal response to the occupation was severely criticized.

Many others can and will weigh in on this as the various inquiries that unfold will shed light on the actors, funding and motives of this unprecedented political occupation.

There are 10 weeks left to the May 1 deadline for candidate registration for the 2022 municipal election. By and large, most major reports have been dealt with, including the Official Plan and the 2022 Budget.

Typically, fewer and fewer major reports rise to committees and Council as members of Council and challengers start to actively vie for re-election. By the end of June, Council's business will be largely done as the municipal election looms in the fall.

It is quite extraordinary for a Council to remove members of any Council appointed agency in the final months of a municipal Council's term.

The purpose of this letter is to explain why Council decided, by a strong majority vote, that it had lost confidence in the OPS Board leadership.

The letter also aims to review the facts that led such a large majority of Council to decide to try to retake control of the Police Services Board on February 16.

On February 15, residents of Ottawa, learned that the Ottawa Police Services Board had convened a Special Meeting for TIME.

On this day 16 (CHECK) of the occupation, the OPSB board met in-camera – neither members of Council nor the general public knew what was being discussed.

At this meeting, Members of the Board were informed that Peter Sloly had tendered his resignation as Ottawa's Chief of Police.

At the same meeting, members of the OPS Board were asked to give the Chair a Mandate to negotiate a contractual arrangement with a firm located in Waterloo. Under this contractual arrangement, a consulting services firm would be asked to manage the OPS effective February (21) or (22).

No votes were taken and no authority was delegated that would allow the Chair to finalize an arrangement – Board members believed that they had mandated the Chair to undertake a search for an external Chief of Police.

Board members insist on the fact that the Board Chair did not seek delegated authority to execute a contract for a new Chief of Police.

In the afternoon of February 16, the OPS Board reconvened and was briefed on the Chair's efforts who, since the morning meeting, had apparently short-listed, set requirements for, and hired a firm to oversee the management of the OPS – a firm that would provide the OPS with a new Chief.

At 3:21 p.m. on February 15, the OPS Board issued a news release announcing that "Today, the Ottawa Police Services Board and Peter Sloly had reached a mutually agreed upon separation".

In the same release, it was announced that Deputy Chief Steve Bell will be in Interim Chief until further notice.

The statement later went on to outline that "the Board is already at work to put in place a new command structure and will be appointing a new chief very soon".

This last statement created confusion with the public and elected officials. Some thought that this might mean that Deputy Chief Bell or another senior officer within the force might be asked to lead the force for the remainder of the term.

It appeared to indicate that the OPS would have effectively three different Chiefs announced to be leaving or leading the organization in a single statement, which appears to have been framed to confuse the public and members of Council.

The Ottawa Police Services Board has never, in living memory, hired a new external Chief of Police without going through an open and transparent public search, similar to search used for the recruitment of Peter Sloly and all other external hires as far back as 37 years ago.

Never has a Chief been hired by the current or former City of Ottawa without having been subjected to the transparency, accountability and vetting requirements of an open and public search.

Council and the public have consistently been informed of and aware of previous search processes. In the last search process, Mayor Watson was advised of the outcome of the national search that had been undertaken in a fully open, public and transparent manner.

Further, as recently as the fall of 2021, commitments were made to the city's BIPOC community that they would be engaged in any meaningful discussions around changes to governance and leadership of the OPS Board.

And so it came as a shock to many that the Board might be on the verge of hiring a new Police Chief without an open and transparent competition.

In the evening of February 15, 2022, the Chair of the Board wrote to the Mayor to offer a post-facto briefing on the Board's plans.

No briefing was offered to the Mayor before the Board's decision to plan, negotiate, deliver and vet a new Police Chief – a process that is claimed to have happened in between the OPS Board's morning and its afternoon meeting on February 15.

A call as set up between Mayor Watson and Board Chair Diane Deans on February 16 at 10:15 a.m. Both Mayor Watson and Chair Deans were represented by a political staffer.

The Chair of the OPSB board outlined the plans to hire a new Chief of Police, who would take charge of the Ottawa Police Service "next Monday" (February 21).

Mayor Watson shared the view that this would be enormously demoralizing and destabilizing for the Ottawa Police Service. After a few minutes of dialogue on the Board's approach, the Chair of the OPS Board told Mayor Watson that "If you won't support this, then I won't do it".

This was understood by all parties on the call to mean that the Board Chair had decided to not proceed with the execution of the contract.

As part of the exchange, the Chair of the Board told Mayor Watson that she had asked Steve Bell, at the height of the occupation crisis, if we would do anything differently from his then boss Peter Sloly. The Chair shared that Interim Chief Bell had declined to propose an alternate plan of action in their exchange. This is akin to asking someone in a command and control organization to turn on their boss. Much to his credit, he did not.

The Chair of the Board then proceeded to undermine the Board's acting appointment ("he's not up for the job, we are helping him by giving him a couple of years") at roughly the same time as the OPS, under the day to day command of Interim Chief Steve Bell, was starting to align with the RCMP and the OPP on how to best end the insurrection.

Allowing Interim Chief Steve Bell to continue leading the ICC efforts, in partnership with the RCMP and OPP, appears to have played a determining role in bringing the occupation to a successful end with a minimum of violence and bloodshed.

At the end of his meeting with the Chair of the Board, Mayor Watson believed that a governance crisis had been averted until it was discovered that the Chair of the Board had decided to proceed with the execution of the contract for a new Chief of Police, despite the commitment made in the morning meeting.

Further, the Board chair undertook, after their meeting, to act in a manner inconsistent with her recent exchange with Mayor Watson by undertaking to lobby various members of Council to

support her decision to hire a new Chief of Police without having undertaken an open, public and transparent search process.

At that point in time, Mayor Watson concluded that he had lost confidence in the Chair of the Board, and that he would bring a motion the next day to remove the Chair and to retake control of the OPS Board.

As the OPS had been severely criticized by the public and media during the first days of the occupation, Mayor Watson remained deeply concerned that the Board had made a serious error in judgement by allowing the Chair to sole source a new Chief of Police – in a manner that was entirely inconsistent with the openness, transparency and accountability seen in previous OPSB search processes and similar search processes everywhere in the municipal sphere.

The City of Ottawa and its partner agencies and boards are required to undertake a public search process when filling positions at the Executive Level. This applies to OCH, the Ottawa Public Library and to the OPS Board.

Further, the City of Ottawa has a long standing tradition of ensuring that all members of Council are aware of any proposed extensions to the contracts of high ranking municipal officials.

As recently as November 25, 2020, Ottawa City Council considered a motion to receive the performance appraisal of Steve Kanellakos and to extend his contract into the first 6 months of 2022.

Council agreed that the City should strive to secure the services of the current City manager as the City was in the midst of managing the devastating impacts of the pandemic, and that it would be best left to the next City Council to decide on next steps to replace the current City Manager at the start of the next term.

The motion read:

“Whereas to provide stability to the organization in these unprecedented times of the global pandemic and in recognition of the City Manager’s performance, it is recommended that the employment of the City Manager be extended; and

The motion (attached) went on to recommend to Council the extension of his employment contract into the first six months of the 2022-2026 term of Council which would provide the next City Council with sufficient time to undertake a recruitment process to hire their own City Manager.

Council debated this motion in public, as this represented a significant human resource decision taken during the pandemic.

Council had numerous options: to allow the City Manager’s contract to expire on April 30, 2021, to fill the position on an interim basis, or to undertake a comprehensive, public and transparent search for a new City Manager. Council decided that, with approximately two years left in the

2018-2022 term of Council, a decision of this magnitude should be left up to the incoming Council after the 2022 municipal election.

No member of Ottawa City Council was given advance notice, other than those Council appointees who are nominated to serve on the Board to protect the public interest, that a recruitment process was underway to hire a new external Chief of Police, Interim, Acting or Permanent.

When members of Municipal Council are in leadership positions during the lead up to an election, Council has to be doubly careful that the levers of power are not being used by individual members of Council in a way that either insulates them from controversy or allows them to act in an egregiously electoral manner that is clearly not in the public interest.

(INSERT)

These developments were unfolding against the backdrop of continued loss of support for and criticism of the OPS response to the occupation.

On Tuesday afternoon, Mayor Watson consulted with a large number of members of Council. Most were shocked and angered that the Board would authorize the hiring of a new Chief in the middle of the occupation – meaning that the City would have had three Chiefs of Police in a span of 7 days – at a time when the OPS appeared to be having a difficult time coordinating the response to the occupation and facing challenges in recruiting both the OPP and the RCMP to an integrated response effort.

Many were shocked that the OPS Board would recruit a new Chief without first consulting broadly with members of Council, for the following reasons:

The Board had already given Steve Bell the mandate to end the occupation, and the public was hoping and expecting to start seeing results to end the occupation;

The occupation should not serve as an excuse to not run a public, open, transparent and accountable competition – a time honoured tradition since before amalgamation;

The State of Emergency and occupation of the City were deemed by members of Council to be the worst possible time to make a decision of this magnitude without any public consultation;

Commitments were made by members of Ottawa City Council and the OPSB board to engage the public in major decisions made by the board, including commitments made to the city's BIPOC community that they would have a voice in major decisions;

Council has never in its history not been made aware of plans and the specific process under which a new Chief of Police is to be hired.

For these reasons, a number of Members of Council felt that they had lost confidence in the Chair.

This loss of confidence led to a majority vote of 15 to 9 to remove the current Chair of the Board, Diane Deans, from her functions.

Sandy Smallwood resigned from the OPS Board before the start of the Council meeting, leaving 3 municipal openings to be filled.

The motion moved by Councillor Moffatt and seconded by Councillor Dudas was intended to allow Council to regain a voting majority of four seats.

One provincial appointee had already signalled his intention to support Eli El-Chantiry as the incoming Chair of the Board, should Council carry the motion.

This meant that only two Council-appointed nominations had to be revoked to regain a voting majority.

Mayor Watson asked that Councillor King be invited to continue his leadership role on the Board, as Mayor Watson had previously vacated his own seat to allow Coun King to represent Council on the Board as Council's Liaison for ethno-cultural relations.

Councillor King chose to step down from the OPSB board despite being encouraged to continue serving.

Both Councillors Deans and Meehan were invited to resign from the Board, given the extraordinary lapse in governance judgment that had been demonstrated by the Board.

Both preferred to allow a debate on the floor of Council, which led to Coun Deans' removal from her role as Chair of the Board.

Councillor Meehan resigned from the Board in the course of the Council meeting.

Councillor El-Chantiry was recommended to the OPS Board as the incoming Chair, and was confirmed unanimously the next day.

Councillor Leiper, who was added to the OPS Board by a unanimous vote, moved the nomination of Councillor el-Chantiry to serve as Chair of the OPS Board effective Feb 18, 2022.

Municipal governments are hampered in their attempts to overhaul governance in times of crisis b/c the Executive does not have the power to fire a minister without the public bloodbath of a Council meeting.

This is not personal.

Council lost confidence in the Board's leadership because of the ill timed decision to hire a new Chief of Police in the midst of the insurrection, in a manner that showed a complete disregard for how External Chiefs of Police have been historically hired in the City of Ottawa;

In a manner inconsistent with commitments made to the BIPOC and other communities that they would be consulted on major organizational changes;

In a manner broadly consistent with the historical practises and precedents established by the Board and by Ottawa City Council for previous Executive Hires;

And with a haste that was inconsistent with good governance and good policy.

It was certainly the worst possible time to consider running a search process under camouflage;

It is entirely inexplicable that the Board would not have considered the possibility of holding an in-camera meeting with Ottawa City Council and consulted with members of Council on its plans for a hat trick (3 chiefs in a week).

As details of this serious error in governance judgment continue to emerge (ie provincial appointees having zero to little interaction with the Chair of the Board, seeing their calls ignored or simply never returned), the facts will bear out over time that Council acted out of prudence and duty to start to restore the credibility of the OPS Board.